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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,161	11/20/2000	Michelle Perras	27950-00461	6869

7590

03/26/2004

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EXAMINER
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NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/715,161

Applicant(s)

PERRAS ET AL.

Examiner

Brian D Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on the application filed 11/20/00.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-21, 23-26 and 28 is/are rejected.
- 7) ☒ Claim(s) 5, 12, 22 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 13 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 6.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-2, 6-9, 13-19, 23-24, and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by the admitted prior art (APA) (figure 1 and page 2 of the specification).

Regarding claim 1, the APA discloses a cellular communication system comprising establishing a PPP connection; starting a timer set to expire after a predetermined period of time (9000 second); attempting an MIP registration; keeping alive the PPP connection until an expiration of the predetermined period of time of the PPP timer upon detecting an unsuccessful MIP registration; whereby the MN cab attempt at least one additional MIP registration during the predetermined period of time following the unsuccessful MIP registration (see steps 20, 22, 24, 26, 30, and 32 of figure 1 and page 2, lines 6-20).

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Regarding claim 2, steps i) and ii) are the standard registering steps in CDMA 2000 standard.

Regarding claims 6, 13, the APA discloses terminating the PPP connection (see step 34 of figure 1 and page 2, lines 16-22).

Claims 7-9 are system claims that have substantially all the limitations of the respective method claims 1-2, 6, and 13. Therefor, they are subject to the same rejection.

Claims 14-19 and 23 are apparatus claims that have substantially all the limitations of the respective method claims 1-2, 6, and 13. Therefor, they are subject to the same rejection.

Claims 24 and 28 are method claims that have substantially all the limitations of the method claims 1-2, 6, and 13. Therefor, they are subject to the same rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3-4, 10-11, 20-21, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) (figure 1 and page 2 of the specification).

Regarding claim 3-4, the APA discloses the timer sets at 9000 seconds. However, it is obvious to set the timer at any time period. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to set the timer at a different time period to meet the design criteria of a particular implementation.

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Claims 10-11 are system claims that have substantially all the limitations of the respective method claims 3-4. Therefor, they are subject to the same rejection.

Claims 20-21 are apparatus claims that have substantially all the limitations of the respective method claims 3-4. Therefor, they are subject to the same rejection.

Claims 25-26 are method claims that have substantially all the limitations of the method claims 3-4. Therefor, they are subject to the same rejection.

#### *Allowable Subject Matter*

6. Claims 5, 12, 22, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Brian Nguyen', with a stylized flourish extending to the right.

Brian Nguyen  
3/18/04